Criminal Revision No. 865 of 2001
(Old No. 1308/1992)

Hon. Irshad Hussain, J.

None appear for the revisionist. Heard Sri Lalit Sharma brief holder for the respondent/State and perused the record.

This criminal revision under Section 397/401 of the Code of Criminal Procedure, 1973 is directed against the judgment and order dated 11.6.1992 passed by the then Sessions Judge, Haridwar in session trial no. 35/191, whereby the accused named therein were acquitted of the charge under Section 302 of the I.P.C. Having perused the impugned judgment it is evidence that the learned Sessions Judge has dealt with the evidence of the prosecution in detail and has drawn an inference that the steps by way of investigation have been initiated even before the FIR was registered at the police station. In other words, there is a clear finding that the FIR lodged was ante-timed and the very basis of the prosecution version got assailed on account of that inference. Considering this, there appear to be no miscarriage of justice by mis-reading of any evidence of the prosecution in holding that the prosecution has not been able to prove charge beyond reasonable doubt. Thereafter, there being no merit in this revision the same is hereby dismissed.

(Irshad Hussain, J.)

Dated 09.12.2003
Rawat